

REMARKS

Applicants respectfully request further examination and reconsideration in view of the following arguments. Claims 1-30 remain pending in the case. Claims 1-22, 25, and 27-30 are amended herein. No new matter has been added as a result of the claim amendments. Claims 1-30 are rejected.

35 U.S.C. §103(a)

Claims 1-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Published Patent Application WO 00/30293 by Johnson et al., hereinafter referred to as the "Johnson" reference, in view of United States Patent No. 6,085,243 by Fletcher et al., hereinafter referred to as the "Fletcher" reference. Applicants have reviewed the cited references and respectfully submit that the combination of Johnson in view of Fletcher does not render the embodiments of the present invention as recited in Claims 1-30 obvious in view of the following rationale.

Applicants respectfully direct the Examiner to amended independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A standalone intelligent device for coupling an electronic device to a network comprising:
a first interface for communicatively coupling said standalone intelligent device to said network, said network having a head end,

wherein said head end is a central control site operable to remotely access said standalone intelligent device over said network;

a second interface comprising a plurality of communication ports for communicatively coupling said standalone intelligent device to a plurality of client devices at said plurality of communication ports such that said client devices are communicatively coupled to said network;

means for processing and interpreting data coupled to said first interface; and

fault detection means coupled to said means for processing and interpreting data, said fault detection means for performing fault detection in said network.

Independent Claims 11 and 21 recites similar limitations. Claims 2-10 that depend from independent Claim 1, Claims 12-20 that depend on independent Claim 11, and Claims 22-30 that depend on Claim 21 provide further recitations of the features of the present invention.

Johnson and the claimed invention are very different. Applicants understand Johnson to teach a hub device 102 for use in diagnosis and recovery in high performance digital loops (Abstract). In particular, Johnson teaches a hub device that includes interfaces for connecting the hub to stations, where one interface connects to a single station.

With reference to Figure 2 of Johnson, a digital system 100 including a hub device 102 having two ports (port 1 and port 2) is shown. In particular, diagnostic arrangement 106 is comprised within hub 102 (page 5, lines 25-26, and lines 39-40). Diagnostic arrangement 106 is operable to monitor data flow

between stations S1 and S2. Applicants respectfully assert that digital system 100 includes three devices: hub 102, station S1 and station S2. Specifically, Applicants assert that Johnson teaches that arrangement 106 is comprised within hub 102. While arrangement 106 may be used to diagnose system failures outside of hub 102 (page 20, lines 34-40), arrangement 106 is integral to hub 102. Arrangement 106 is not a standalone device, as claimed.

In the Detailed Action accompanying the present Office Action, the Examiner asserts that Johnson discloses “an intelligent device 106 ... for coupling an electronic device (hub) [102] to a network (100)” (section 2). Applicants respectfully submit that Johnson teaches a digital system 100, which includes hub 102, which includes diagnostic arrangement 106. Specifically, Applicants assert that since diagnostic arrangement 106 is a component of system 100, port 1 of Johnson is not for communicatively coupling diagnostic arrangement 106 to system 100.

Moreover, Applicants respectfully assert that Johnson does not teach a network 100. Rather, Johnson teaches a digital system 100, which includes hub 102 (and thus diagnostic arrangement 106). Applicants respectfully assert that the network as claimed is not the digital system 100 as recited in Johnson. By teaching that diagnostic arrangement 106 is included in digital system 100, it is illogical for port 1 to couple diagnostic arrangement 106 to digital system 100.

Furthermore, as stated by the Examiner, Johnson does not teach a network having a head end that “is a central control site operable to remotely access said intelligent device over said network,” as claimed. In particular, Johnson does not teach that diagnostic arrangement 106 is accessible over a network. In addition, Johnson fails to teach or suggest that arrangement 106 is a standalone device, as claimed. Johnson teaches that diagnostic arrangement 106 may be coupled to two stations S1 and S2. However, Johnson does not teach, describe or suggest that stations S1 or S2 are networks or are coupled to networks.

As described above, Johnson does not teach describe or suggest the embodiments of the present invention recited in Claims 1, 11 and 21. Moreover, the combination of Johnson and Fletcher fails to teach or suggest the claimed embodiments because Fletcher does not overcome the shortcomings of Johnson. Applicants understand Fletcher to teach a method and apparatus for distributed remote management for networks. Fletcher, alone or in combination with Johnson, does not show or suggest “a standalone intelligent device for coupling an electronic device to a network comprising: a first interface for communicatively coupling said intelligent device to said network, said network having a head end, wherein said head end is a central control site operable to

remotely access said standalone intelligent device over said network," as claimed.

As described above, Johnson does not teach a standalone intelligent device including an interface for communicatively coupling the standalone intelligent device to a network. In contrast, by teaching that the intelligent device is not coupled to a network, Johnson teaches away from such a configuration. Furthermore, Johnson teaches away from the present invention because the device 106 is within the hub which is very different from a standalone intelligent device, as claimed. Therefore, Johnson also teaches away from the combination with Fletcher, which monitors network traffic.

Applicants respectfully assert that nowhere does the combination of Johnson and Fletcher teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claims 1, 11 and 21, that these claims overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance. Therefore, Applicants respectfully submit that the combination of Johnson and Fletcher also does not teach, disclose or suggest the additional claimed features of the present invention as recited in Claims 2-10 that are dependent on allowable base Claim 1, Claims 12-20 that are dependent on allowable base Claim 11, and Claim 22-30 that are dependent on allowable base Claim 21. Applicants respectfully submit that Claims 2-10, 12-20 and 22-30

overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-30 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO L.L.P.

Date: 9/15/05



John P. Wagner
Reg. No. 35,398

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060